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Laws Governing Exploitative Child Labor Report: Singapore

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Laws Governing Exploitative Child Labor Report—Singapore

I. Introduction

This report on the laws of Singapore governing exploitive child labor has been prepared pursuant to section 2102(c)(9) of the Trade Act of 2002 (“Trade Act”) (Pub. L. No. 107-210). Section 2102(c)(9) provides that the President shall:

with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor.

The President, by Executive Order 13277 (67 Fed. Reg. 70305), assigned his responsibilities under section 2102(c)(9) of the Trade Act to the Secretary of Labor, and provided that they be carried out in consultation with the Secretary of State and the United States Trade Representative. The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the United States Trade Representative and the Secretary of Labor. (67 Fed. Reg. 77812)

This report relies on information obtained from the Department of State in Washington, D.C. and the U.S. Embassy in Singapore. It also relies on a wide variety of reports and materials originating from Singapore, international organizations, and non-governmental organizations (NGOs). The Department of Labor also requested public comments in a *Federal Register* notice published on January 28, 2003, but no comments were received.¹

II. Exploitative Child Labor

Following International Labor Organization Convention 138, Minimum Age for Admission to Employment, the term “child labor” generally refers to any economic activity performed by a person under the age of 15. Developing countries whose economy and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention, and may reduce from 13 to 12 years the minimum age for light work. There is no explicit definition of “light work” in Convention 138, other than it not be likely to harm the health or development of young persons, and that it not prejudice their attendance at school, their participation in vocational orientation or training programs approved by the competent authority, or their capacity to benefit from the instruction received.

¹ Request for Information Concerning Labor Rights in Singapore and Its Laws Governing the Worst Forms of Child Labor, *Federal Register* (January 28, 2003), pp. 4239-4240.

Not all work performed by children is detrimental or exploitative. Child labor does not usually refer to “light work” after school or legitimate apprenticeship opportunities for young people. Nor does it refer to young people helping out in the family business or on the family farm. Rather, the “child labor” of concern is generally employment that prevents effective school attendance, and which is often performed under conditions hazardous to the physical and mental health of the child.

While there is no universal definition for exploitative child labor, the ILO has defined the “worst forms” of child labor in ILO Convention 182, Worst Forms of Child Labor. Under this Convention, which applies to children under the age of 18, the worst forms are defined as follows:

- (A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
- (D) work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

According to Convention 182, the types of work referred to under subsection (D) should be determined by national laws and/or competent authorities.²

III. Incidence and Nature of Child Labor

Statistical data on economic activity for children under the age of 15 is unavailable as Singapore does not collect such information.³ According to the 2002 State Department

² International Labor Organization, “Convention 182: Worst Forms of Child Labor, 1999,” Article 4; available from: <http://ilolex.ilo.ch:1567/english/convdsp2.htm>. ILO Recommendation 190 on the worst forms of child labor provides certain guidelines countries should consider in determining what constitutes a worst form of child labor under this category. See International Labor Organization Recommendation 190 “Worst Forms of Child Labor Recommendation,” 1999; available from: <http://ilolex.ilo.ch:1567/english/convdsp2.htm>

³ International Labor Organization, Laborstat [website] at <http://laborsta.ilo.org/applv8/data/ssm3/e/SG.html> [cited 3 April 2003]. See also Singapore Department of Statistics, National Youth Council [website] at <http://www.youthresearch.org.sg/facts.asp?cat=Working%20Life#stats> [cited 3 April 2003].

Human Rights Report, the incidence of children taking up permanent labor is low and abuses are almost nonexistent in Singapore.⁴

Beginning in 2003, education became compulsory for all children born after January 1, 1996.⁵ Education in Singapore is not free, but the government heavily subsidizes school fees.⁶ A high share of children already enrolls through grade 6, and the dropout rate for secondary school is low.⁷ The gross primary school enrollment rate was 95 percent in 2001, while the net primary enrollment rate was 94 percent. The gross secondary school enrollment rate was 100 percent in 2001, while net secondary enrollment was 93 percent.⁸

IV. Child Labor Laws and Enforcement

Under the Employment Act, children may perform light work at age 12.⁹ Children under the age of 14 may only be employed in an industrial undertaking if it is a family-operated business, while youth between the ages of 14 and 16 can work in an industrial undertaking if they possess a medical certificate certifying their fitness for employment. Employers must also notify the Commissioner of Labor within 30 days of the employment of youth ages 14 to 16.¹⁰ Children and youth may not work between the hours of 11 p.m. and 6 a.m. Children under 14 may not work more than 6 hours in any one day, and youth ages 14 to 16 may not work more than 7 hours. Work hours limitations on children and youth include time spent in school in any one day. In addition, children and youth are prohibited from working in mines, with heavy machinery, with any live electrical apparatus that is not effectively insulated, and under

⁴ A recent report by ECPAT International, an NGO network with affiliates in 62 countries working on the issue of commercial sexual exploitation of children, stated that Singapore is a destination country for children trafficked to work in the sex industry. *Singapore Profile of CSEC* [Website Database] at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp [cited 10 December 2002]. Investigations by the U.S. Embassy in Singapore, including interviews with NGOs, police, and embassy officials from potential trafficking source countries, found no evidence to substantiate such charges. See U.S. Embassy – Singapore, electronic correspondence to the U.S. Department of Labor, April 11, 2003.

⁵ The law applies to children born after January 1, 1996 who are residents and citizens of Singapore. The law also provides penalties for parents or guardians who violate the terms of the Act. Ministry of Education of the Government of Singapore, *Compulsory Education Act (Cap 51)* [Website] at <http://www1.moe.edu.sg/ce/Statute.htm>, [cited 18 April 2003].

⁶ Chan Soo Sen, *Statement to the United Nations General Assembly Special Session on the Rights of Children* by Mr. Chan Soo Sen, Minister of State for Prime Minister's Office of Community Development and Sports of the Republic of Singapore, paragraph 14, 2002 [Website] at <http://www.un.org/ga/children/singaporeE.htm> [cited 3 December 2002]. See also Ministry of Education, "The Edusave Scheme," [Website] 3 June 2002, at <http://www1.moe.edu.sg/edusave.htm#Using%20Edusave%20account%20funds%20for%20your%20childs%20education> [cited 9 December 2002].

⁷ U.S. Department of State, *Country Reports 2002 – Singapore*, Section 5.

⁸ Ministry of Education of the Government of Singapore, *Participation in Education* [Website] January 17, 2003 at <http://www2.moe.edu.sg/esd/Table34.htm> [cited 12 May 2003].

⁹ Ministry of Manpower of Singapore, *Labour Relations* [website] at <http://www.gov.sg/mom/wpeaw/labfile/labr9n.htm> [cited December 3, 2002].

¹⁰ *Ibid.*

any working conditions that may be injurious to their health.¹¹ The Ministry of Manpower effectively enforces these laws and regulations.¹²

Slavery and forced labor are prohibited under Singapore's Constitution.¹³ Trafficking in children is prohibited by the Children and Young Persons Act and Women's Charter and is subject to imprisonment of up to 5 years and a fine not to exceed SGD 10,000 (USD 5,674).¹⁴ Causing or encouraging the prostitution of, sexual relations with, or indecent assault on any girl below the age of 16 is punishable by a fine of SGD 2,000 (USD 1,134) and imprisonment up to 3 years.¹⁵ The Ministry of Community Development is the lead agency for child protection and welfare. A multidisciplinary and multi-agency Child Abuse Protection Team, established in 1996, is responsible for ensuring effective management of child labor cases among relevant government agencies.¹⁶

The Government of Singapore ratified ILO Convention No. 182, Worst Forms of Child Labor, on June 14, 2001, but has not ratified ILO Convention No. 138, Minimum Age for Admission to Employment.¹⁷

V. Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Singapore demonstrates a strong commitment to children's rights and has a well-funded equal access system of public education and medical care for all children.¹⁸ In 1993, the Ministry of Education started the Edusave program which gives direct subsidies to students ages 6 to 16 to help pay for school fees and extra-curricular school activities as well as grants to all primary and secondary schools to organize common enrichment programs and purchase additional school resources.¹⁹ In addition,

¹¹ Ibid.

¹² U.S. Department of State, *Country Reports 2002 - Singapore*, Section 6d.

¹³ Government of Singapore, *Constitution of the Republic of Singapore* [website] 1963 at <http://www.lawnet.com.sg/freeaccess/Constitution.htm> [cited 3 December 2002].

¹⁴ Government of Singapore, *Children and Young Persons Act (Chapter 38)* Article 12 [website] at <http://statutes.agc.gov.sg/> [cited 3 December 2002]. See also Government of Singapore, *Women's Charter (Chapter 353)*, Article 141 [website] at <http://statutes.agc.gov.sg/> [cited 3 December 2002]. See also Currency conversion [website] at <http://www.carosta.de/frames/convert.htm> [cited 12 December 2002].

¹⁵ Government of Singapore, *Women's Charter*, Article 145. See also Currency conversion [website] at <http://www.carosta.de/frames/convert.htm> [cited 12 December 2002].

¹⁶ United Nations General Assembly, *Report of the Special Rapporteur of the Commission on Human Rights on the Sale of Children, Child Prostitution and Pornography* [Website] 10 August 2002, at <http://www.hri.ca/fortherecord2000/documentation/genassembly/a-55-297.htm> [cited 18 March 2003].

¹⁷ ILO-ILOLEX, *Database of International Labor Standards* [Database] September 29, 2002 at <http://ilolex.ilo.ch:1567/english/docs/declworld.htm> [cited 3 December 2002].

¹⁸ U.S. Department of State, *Country Reports 2002 - Singapore*, Section 5. See also Chan Soo Sen, *Statement to the United Nations General Assembly Special Session on the Rights of Children*, paragraphs 4, 11, 12, 13, 14 at <http://www.un.org/ga/children/singaporeE.htm> [cited 3 December 2002].

¹⁹ These subsidies are available to the first, second and third child (by the natural and adoptive mother) at the point of school admission. He/she is automatically given an Edusave account and receives a yearly contribution from the Government's Edusave Pupils Fund. See Government of Singapore Ministry of Education, *The Edusave Scheme* [Website] June 3, 2002 at

the Edusave program distributes scholarships, merit bursary awards, and good progress awards to students based upon achievement and economic need.²⁰

With government funding, voluntary organizations operate homes for disadvantaged children that provide special schooling, health care, and supervisory needs.²¹ The Ministry of Community Development and Sports promotes children's causes through activities aimed at family stability, preventing child abuse, and keeping fathers involved in the lives of their children.²² The Office of Children, Youth, and Family Services in the National Council for Social Services runs a School Social Work Program that provides emotional, social, and family support and guidance services for children to enhance the schooling experience.²³

<http://www1.moe.edu.sg/edusave.htm#Using%20Edusave%20account%20funds%20for%20your%20childs%20education> [cited 9 December 2002].

²⁰ Scholarships are given to students who are in the top echelon of their class at a government or independent school. Merit Bursary Awards are given to students who are ranked high in their class, do not receive scholarship funds, and come from families with a gross family monthly income of SGD 3,000 (USD 1,702.22) or less. Good Progress Awards are given to students who do not qualify for scholarships or merit bursary awards, but have shown significant progress in academic achievement. See Ibid. See also Currency conversion [website] at <http://www.carosta.de/frames/convert.htm> [cited 12 December 2002].

²¹ U.S. Department of State, *Country Reports 2002 - Singapore*, Section 5.

²² U.S. Department of State, *Country Reports on Human Rights Practices 2001 - Singapore* (Washington, DC: March 4, 2002) Section 5.

²³ Singapore National Council of Social Services, *Children Youth and Family Services* [website] at http://www.ncss.org.sg/ncss/social_services/cyf.html#a [cited 6 December 2002].